

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:11-CT-3118-D

THOMAS HEYER,

)

Plaintiff,

)

v.

)

UNITED STATES BUREAU OF
PRISONS, et al.,

)
)

Defendants.

)

ORDER

The court has reviewed the joint status report. See [D.E. 232]. Having considered plaintiff Thomas Heyer's motion for entry of judgment [D.E. 222], the record, and Heyer v. United States Bureau of Prisons, 984 F.3d 347 (4th Cir. 2021), the court GRANTS plaintiff's motion [D.E. 222] and enters JUDGMENT in favor of plaintiff Thomas Heyer and against defendants.

The court also ORDERS:

Beginning within 14 days of the entry of this order, the Bureau of Prisons ("BOP") shall provide Thomas Heyer at FCI Butner access to a videophone in a manner that allows him to communicate visually and directly (point-to-point) with deaf persons outside of FCI Butner.

BOP shall provide Thomas Heyer at FCI Butner access to the videophone in a manner that is equivalent or at least substantially similar to non-deaf inmates' access to the telephone, including but not limited to meaningful access on evenings and weekends.

BOP shall ensure that the videophone has a high-speed internet connection sufficient to support point-to-point videophone calls.

BOP also shall provide Thomas Heyer at FCI Butner access to the videophone whenever he is placed in the special housing unit ("SHU") or the Annex in a manner that is equivalent or at least substantially similar to non-deaf inmates' access to the telephone while placed in the SHU or the Annex.

The requirements of this order shall remain in effect so long as Thomas Heyer is in the physical or legal custody of the BOP at FCI Butner. If Thomas Heyer leaves the BOP's custody at FCI Butner and later returns to the BOP's custody at FCI Butner, the requirements of this order shall remain in effect upon his return and throughout the duration of time he remains in the BOP's custody at FCI Butner.

The court DENIES as moot plaintiff's motion for reconsideration [D.E. 226] and DENIES as moot defendants' motion to stay [D.E. 228].

SO ORDERED. This 26 day of January, 2022.

J. Dever
JAMES C. DEVER III
United States District Judge